

## SOUTH WEBER PLANNING COMMISSION AGENDA

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PUBLIC NOTICE is hereby given that the Planning Commission of SOUTH WEBER CITY, Utah, will meet in a regular public meeting on Thursday January 12, 2023, in the Council Chambers, 1600 E. South Weber Dr., commencing at 6:00 p.m.

**OPEN** (Agenda items may be moved in order or sequence to meet the needs of the Commission)

1. Pledge of Allegiance: Commissioner Walton
2. Public Comment: Please respectfully follow the guidelines below: Comments will also be accepted at [publiccomment@southwebercity.com](mailto:publiccomment@southwebercity.com) to be included with the meeting minutes.
  - a. Individuals may speak once for 3 minutes or less
  - b. State your name and address
  - c. Direct your comments to the entire Commission
  - d. Note: Planning Commission will not respond during the public comment period
3. Approval of Consent Agenda
  - a. PC2022-12-08 Minutes
4. **\*\*Moved to February 9, 2023 Meeting\*** Public Hearing and Action on: Ordinance 2023-02: Amendments to Residential Multi-Family (R-7) to Residential Multi-family (R-5), Adoption of Strategic Growth Overlay Zone (SG), and Rezone Parcels 13-018-0084 & 13-034-0068 from (R-7) to (R5-SG).
5. **Public Hearing & Action on ORD 2023-03: Moderate Income Housing Updates**
6. Special Recognition for Outgoing Planning Commissioner Taylor Walton (2016-2023)
7. Planning Commission Comments (Boatright, Davis, Losee, McFadden, Walton)
8. Adjourn

In compliance with the Americans with Disabilities Act, individuals needing special accommodations during this meeting should notify the City Recorder, 1600 East South Weber Drive, South Weber, Utah 84405 (801-479-3177) at least two days prior to the meeting.

THE UNDERSIGNED DULY APPOINTED DEVELOPMENT COORDINATOR FOR THE MUNICIPALITY OF SOUTH WEBER CITY HEREBY CERTIFIES THAT A COPY OF THE FOREGOING NOTICE WAS MAILED, EMAILED, OR POSTED TO: 1. CITY OFFICE BUILDING 2. FAMILY ACTIVITY CENTER 3. CITY WEBSITE [www.southwebercity.com](http://www.southwebercity.com) 4. UTAH PUBLIC NOTICE WEBSITE [www.pmn.utah.gov](http://www.pmn.utah.gov) 5. THE GOVERNING BODY MEMBERS 6. OTHERS ON THE AGENDA

**DATE: January 9, 2023**

**DEVELOPMENT COORDINATOR: Kimberli Guill**

# **SOUTH WEBER CITY PLANNING COMMISSION MEETING**

**DATE OF MEETING:** 8 December 2022

**TIME COMMENCED:** 6:00 p.m.

**LOCATION:** South Weber City Office at 1600 East South Weber Drive, South Weber, UT

**PRESENT:**

**COMMISSIONERS:**

**Gary Boatright  
Jeremy Davis  
Julie Losee  
Marty McFadden  
Taylor Walton (excused)**

**COMMUNITY SERVICE DIRECTOR:** Trevor Cahoon

**DEVELOPMENT COORDINATOR:** Kimberli Guill

**Minutes:** Michelle Clark

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**ATTENDEES:** Paul Sturm and Michael Grant

**Commissioner Davis called the meeting to order, welcomed those in attendance, and excused Commissioner Walton.**

**1. Pledge of Allegiance:** Commissioner Boatright

**2. Public Comment:** Please respectfully follow these guidelines.

- Individuals may speak once for 3 minutes or less: Do not remark from the audience. State your name & city and direct comments to the entire Commission (Commission will not respond).

**Paul Sturm, of South Weber City, identified amendments to agenda item #6 including a request for definitions in the Land Use Matrix.**

**ACTION ITEMS:**

**3. Consent Agenda**

- 10 November 2022

**Commissioner Losee moved to approve the consent agenda as amended. Commissioner Boatright seconded the motion. A roll call vote was taken. Commissioners Boatright, Davis, Losee, and McFadden voted aye. The motion carried.**

**4. Updated Final Plat w/Phasing for Petersen Farms PUD (25 Lot Plat) (Combined R-L, R-LM & R-7 zoning) 13.06 acres located at approx. 6950 S 475 E by Applicant: Timothy Grubb:** Community Services Director Trevor Cahoon explained a Final Plat has already been considered for this development; however, the developer wishes to amend the plat to include phasing for the project. The overall development is being platted in 2 phases. Considering the cost of construction, both phases are being requested to be approved at the same time.

Commissioner Losee questioned the timing of construction and what may happen if the property remains a field. It was the consensus of the other Planning Commission members that wasn't a concern.

**Commissioner Boatright moved to recommend approval to the City Council of Petersen Farms PUD Final Plat for Petersen Farms PUD (25 Lot Plat) (Combined R-L, R-LM & R-7 zoning) 13.06 acres located at approximately 6950 S. 475 E. Commissioner McFadden seconded the motion. A roll call vote was taken. Commissioners Boatright, Davis, Losee, and McFadden voted aye. The motion carried.**

**Commissioner Losee moved to open the public hearing on South Weber City's Development, Design & Construction Standards. Commissioner McFadden seconded the motion. A roll call vote was taken. Commissioners Boatright, Davis, Losee, and McFadden voted aye. The motion carried.**

**\*\*\*\*\* PUBLIC HEARING \*\*\*\*\***

## **5. Public Hearing & Action on South Weber City's Development, Design & Construction Standards:**

**Dana Shuler of Jones & Associates** reported it has been five years since the city's design and construction standards has been updated.

A brief overview of changes is listed below:

### **Section 1 – General**

1.03 More clearly defined meaning of Title / Chapter and specified current Code information.

1.04 Added acronym for Utah Administrative Code

### **Section 2 – Development Standards**

2.02 Added requirement for Developer to be responsible for materials and construction testing.

2.04 Geotechnical Investigation. This is a new section that was added to specify the minimum requirements for what needs to be addressed in a geotechnical report.

### **Section 3 – Design Standards**

3.03 Updates to pipe requirements to meet State Code.

3.04 Updates to requirements for water line crosses to comply with Division of Drinking Water requirements.

3.05 Street/Road Design requirements updated to clarify design specifications.

3.06 Storm Drain and Drainage Design updated to meet State requirements.

### **Section 4 – Construction Standards**

4.01 Updated Contractor licensing requirements to follow State Code (previous version specified license types).

4.03 Construction Testing. This section has been updated to include requirements for both development projects and city projects.

### **Section 5 – Technical Specifications.**

No Changes.

**Section 6 – Standard Drawings, Plans, and Details**

See revisions to Drawings.

**Appendix A – Storm Drain and Drainage Design Standards**

- Updates to all storm drain and drainage standards to comply with the updated State Code requirements of an 80th percentile retention instead of the previous 90th percentile retention.
- Addition of Exhibit 3 - Low Impact Development (LID) Best Management Practices (BMPs).

**Appendix B – Geotechnical Report**

This is a new Appendix that defines the minimum requirements of all geotechnical investigation reports.

**Appendix C – Modifications and Additions to Manual of Standard Specifications**

- 32 12 05 M Bituminous Concrete (Modified). This adds two minor clarifications to the new spec approved and adopted by APWA in April 2022.
- 32 16 13 M Driveway, Sidewalk, Curb, Gutter (Modified). Added requirement for expansion joints where new curb and gutter adjoins existing.
- 32 92 00 M Turf and Grass (Modified). Added requirement to submit seed mix if an alternate mix from the approved provided list is being proposed.
- 33 05 12 Conductive Tracer Wire for Pipe Installation. This is a newly added specification.
- 33 11 00 M Water Distribution and Transmission (Modified). Added requirement to follow Utah Administrative Code for Drinking Water.

**Appendix D – South Weber City Public Works Standard Drawings**

New Sheet No.	Original Sheet No.	Updates/Modifications
All Drawing Sheets		Updated individual sheets with the new standards border, updated all drawings sheet page links per the updated sheet naming convention.
Cover	CS-01	Updated signature blocks, updated sheet naming convention (Renaming the drawing sheets allows for simpler future revisions and updates).

R1	CS-02	Updated the irrigation system note on the lot lateral configuration detail, removed tree notes and references.
R2	CS-03	Renamed the South Bench Drive cross sections to Collector Roadways, and updated the street cross section dimensions.
R3		New Detail Sheet - Added the private roadway street cross sections per the City Ordinance.
R4	CS-04	Moved the street sign details to Sheet R9, updated the APWA reference numbers on the survey monument detail.
R5	CS-05	Adjusted drawing sheet to be Drive Approach specific, moved defective concrete detail to Sheet R10, moved asphalt patch plan to Sheet R11.
R6	CS-06	Adjusted drawing sheet to Be ADA Ramp specific, moved concrete related details (sidewalk, curb, etc.) to Sheet R10.
R7	CS-07	Renumbered drawing sheet, no additional changes.
R8		New Detail Sheet - Added the private roadway cul-de-sac and hammerhead turnaround details to the City Standards.
R9		Created a Street Sign specific detail Sheet, added the private road plate detail, updated street sign pole dimensions and notes.
R10		Created a Concrete specific detail Sheet, moved concrete related details to this sheet, updated the concrete collar notes.
R11		Created a Trench Section and Asphalt Patch specific drawing sheet, moved specific details shown to this drawing sheet, updated patch plan dimensions.
R12	CS-05A	Renumbered drawing sheet, no additional changes.
CW1	CS-08	Updated the water later service part numbers, pipe specifications, and added general Note 6 to the drawing sheet.
CW2	CS-09	Updated pipe specifications, added valve collar detail and updated concrete collar notes, and updated Flexi-Flag note.
CW3	CS-10	Renumbered drawing sheet, no additional changes.
CW4	CS-11	Updated the large water meter station to the Octave Meter and components, updated pipe specifications, updated vault dimensions.
CW5	CS-12	Updated pipe specifications.
CW6	CS-13	Moved the Trench Section detail to Sheet R11, updated various notes, added the "Alpha" restraint system as an approved option.
CW7		New Detail Sheet - Added the (RP) Reduced Pressure Backflow Assembly details for commercial irrigation connections to the Culinary Water System.
SS1	CS-14	Renumbered drawing sheet, no additional changes.
SS2	CS-15	Added Sampling Manhole Detail, Moved Concrete Collar Detail to Sheet R10
SD1	CS-16	Updated the catch basin details to reflect current construction methods for installation.
SD2	CS-17	Renumbered drawing sheet, no additional changes.
SD3	CS-18	Updated storm drain manhole notes.
SD4	CS-19	Updated basin slope at the outlet structure.
SD5	CS-20	Updated basin slope at the outlet structure.
G1	CS-21	Updated the fence post table (depth of posts).
G2		New Detail Sheet - Added "Water Wise" examples and references to the City Code.
SL1-SL3	CS-22	New Detail Sheets - Added the current City Standard Streetlight details and installation practices to the City Standards.
SL4	CS-22	Added the RMP (Rocky Mountain Power) connection detail to the City Standards as part of the streetlight detail sheets.
LID1	CS-23	Updated LID (Low Impact Development) information [er the State of Utah Low Impact Development Guide, Added additional LID examples to the drawing sheet.

**Commissioner Boatright moved to close the public hearing on South Weber City's Development, Design & Construction Standards. Commissioner Losee seconded the motion. A roll call vote was taken. Commissioners Boatright, Davis, Losee, and McFadden voted aye. The motion carried.**

**\*\*\*\*\* PUBLIC HEARING CLOSED \*\*\*\*\***

**Commissioner McFadden moved to recommend approval to the City Council on the South Weber City's Development, Design & Construction Standards. Commissioner Boatright seconded the motion. A roll call vote was taken. Commissioners Boatright, Davis, Losee, and McFadden voted aye. The motion carried.**

### **DISCUSSION ITEMS:**

#### **6. Discussion on Residential Multi-family (R-7) Zoning Code Updates w/R-5 Overlay**

Trevor Cahoon explained the City Council when approving the Final Plat for the South Weber Gateway project, instructed the Code Committee to consider zoning text amendments to facilitate the development in amending the approved final plat to allow for a townhome development for individual ownership. The items that were brought forward by City Staff as areas that prohibited this type of development included the following:

- The exclusion of provisions surrounding zero lot line developments.
- The absence of a dwelling, townhome definition within the code.
- The inclusion of setback provisions that oriented buildings based on lot configuration and not on orientation of the buildings toward a right-of-way.

As the Code Committee reviewed the R-7 zone, it became clear that the ordinance was written with parameters in a similar fashion to a single-family zone thus making it difficult to plan a multi-family development. The reason that these inconsistencies were not noticed in other developments lies in the fact that other projects utilized the Planned Unit Development conditional use section of the city code. The South Weber Gateway was the first project to follow development guidelines strictly under the R-7 zoning code.

As conversation progressed within the Code Committee other areas of concern toward multi-family developments were discussed in relation to the R-7 code and future development. While it is still a desire to limit the use of this zone, the Code Committee discussed various housing types that would be more appealing to future development other than traditional townhome, high-rise, or garden style apartments. Through the conversation the committee identified the main issue with multi-family housing is the visual appeal and congruence of form with surrounding single-family units already established within the area. To answer these concerns two concepts were discussed, type of housing unit and design standards.

In the case of design standards, the State of Utah has limited the city's ability to impose design standards upon single-family developments. It does not prohibit a city from imposing design standards on multi-family units. Therefore, if South Weber City wishes to pursue developing a design standard for multi-family housing this is a possibility. Townhomes are the outlier within



this context because although there is more than one unit within the building, state code does identify these units as single-family attached developments. Within the state code there is a provision to allow a city to impose a design standard on single family developments if the code allows for a density incentive utilizing an overlay zone. This would mean that if the city were to allow a developer to have more density than a zone would typically allow, the city would be able to impose design standards for the development.

With this line of thinking, if the city were to seek for particular multi-family or single family units by offering more density, the city would be able to dictate the form of the units themselves. The Code Committee then discussed the possibility of reducing the allowed density within the R-7 zone to 5 units an acre and offering an incentive of 7 units and acre, which would allow the city to have better control on the type of development found within the city.

For example, including smaller single-family housing complexes such as cottage courts. In these types of development, the city would offer a higher density for the creation of single-family homes with smaller lots on a shared court. Some items to discuss would be how many units an acre the city would want to encourage and the style of development.

Mansion style apartments or condos was another housing concept that was attractive to the Code Committee. Allowing a building to look like a large single-family home, but housing 4-7 units within the home. So that appearance would be single family while providing more variety and density of housing.

While the idea is new and needs more work to determine the viability of the incentive, the prospect of this update with an eye toward the Moderate-Income Housing Updates becomes an idea that can provide a better development and use of land within the future. Further discussion on whether it is viable to reduce the R-7 zone's density further and offer the now current density as an incentive would provide the desired outcome would be important for the Planning Commission to discuss.

At this stage it has become necessary to get the feedback from the Planning Commission on the potential changes the R-7 zone and receive their recommendations on what to include in the draft ordinance. The following table breaks down the changes proposed by the Code Committee for the Planning Commission review.

After a discussion in Planning Commission on September 15, the commission gave the following directions to staff to update the code in the following ways:

- Update the definitions as recommended
- Allow townhouses as a permitted use
- Maintain density at 7 units an acre, but explore in a future update overlay zones
- Establish a minimum lot area and minimum lot width
- Utilize sections for zero lot lines and setback orientation for share common space as recommended
- Alter front setback lines to 25 feet to accommodate for large vehicles
- Include diagrams to demonstrate setback requirements

Staff has made updates based on the recommendations from the Planning Commission. The only exception is including a minimum lot area. Staff would recommend that having a minimum lot width would be sufficient to dictate design aesthetic and would allow for more flexibility of design than restricting a minimum lot area. This is something the Planning Commission could recommend be included back in the ordinance.

The Planning Commission met on October 13 to discuss the draft ordinance and make their recommendation to City Council. In a 3-0 discussion by the Planning Commissioners present a recommendation was made to approve the drafted changes to the Residential Multi-family zone and recommend the City Council begin the process in the creation of overlay zones to address design standards in accordance with Utah State code.

In a discussion item with the City Council on October 25, the council expressed a desire for the Planning Commission to have a more in-depth discussion on the reduction of density within the R-7 zone to 5 units per acre and the creation of draft ordinance for an overlay zone to grant bonus density of up to 2 units and the implementation of design standards. The council feels the exploration of creating an overlay zone now would be pertinent to protect the interests of the city in facilitating development standards for projects in South Weber.

The two main questions the council would like answered are: What should be included or covered within an overlay zone? What are the design standards that need to be established within the zoning overlay? This is an initial discussion with the Planning Commission on what the creation of an overlay zone will look like and what design standards would be subject to review.

Commissioner Losee understands this is a draft document but pointed out there are spelling mistakes and typos. Commissioner Boatright expressed he has no issues with the updates and feels it is reflective of what the Planning Commission discussed. Commissioner McFadden and Davis agreed.

## 7. Planning Commission 2023 Goals

The following items were listed as potential items to focus efforts on in 2023:

- Review water and how to tie the general plan and land use development to water usage.
- Dust mitigation and what the city's standards include when the number of pollutants in the air is violated by some of the land uses in the community.
- Architectural standards review.
- Staker Parsons gravel pit and possibilities for this property after it is no longer a gravel pit.
- Definition of commercial recreation zone and what are we using it for.
- Open land zone for an urban forest interface. This would include making sure wildfires can't jump into other areas of our city in those open land areas.
- Reviewing the sensitive land areas and how to provide standards in city codes and what is the appetite to develop on a hillside.
- Trails and active transportation.

Commissioner Boatright acknowledged water usage is important to focus on. Commissioner McFadden agreed. Commissioner Boatright isn't sure how much the Planning Commission can do about the dust mitigation. Commissioner Losee suggested focusing on sensitive land areas.



Commissioner Davis queried who directs the Code Committee. Commissioner Boatright replied that the Planning Commission gives suggestions to the City Council. He pointed out in the joint meeting with the City Council and Planning Commission they did discuss the possibility of the Chairperson and Co-Chairperson serving on the Code Committee. Commissioner Losee asked how many hours is required. Trevor replied that the Planning Commission receives a stipend and hours are not tracked.

#### **PLANNING COMMISSION COMMENTS:**

**Trevor Cahoon:** reported the city received feedback from the State regarding South Weber City's Moderate Income Housing Plan. The overall review was positive; however, the State is concerned about Section B's infrastructure and implementation plan. They requested dates to be included. They also requested the plan be included in the master plan and not a separate document.

**ADJOURN:** Commissioner Boatright moved to adjourn the Planning Commission meeting at 6:44 p.m. Commissioner Losee seconded the motion. A roll call vote was taken. Commissioners Boatright, Davis, Losee, and McFadden voted aye. The motion carried.

**APPROVED:** \_\_\_\_\_ **Date**  
**Chairperson: Jeremy Davis**

\_\_\_\_\_  
**Transcriber: Michelle Clark**

**Attest:** \_\_\_\_\_  
**Development Coordinator: Kimberli Guill**

**Comments to South Weber City Planning Commission  
for 08Dec22 Meeting  
by Paul A. Sturm**

**Public Comments and Questions**

**Agenda Item #6 -Packet Page 141 of 151**

**6. Discussion on Residential Multi-family (R-7) Zoning Code Updates w/R-5 Overlay**

**ACTION**

Discussion on the Residential Multi-family (R-7) zone amendments.

**ORDINANCE REVIEW**

In the November Planning Commission meeting the Planning Commission discussed the creation of an overlay zone to help encourage quality construction. Throughout the conversation the Commission discussed what things they would like to regulate and require to allow for increased density. Based upon that discussion Staff has drafted an ordinance for a Strategic Growth Overlay zone and made amendments to all areas of the code that reference to the R7 zone to now say R5.

**4-8-3: DEFINITIONS:**

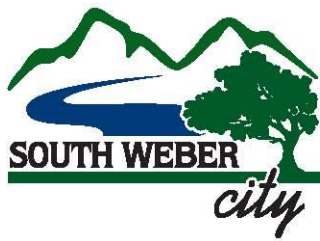
RESIDENTIAL AREA, RESIDENTIAL ZONE:	Any area of the city with a zoning designation of Agricultural (A), Residential Low Density (R-L), Residential Low-Moderate Density (R-LM), Residential Moderate Density (R-M), Residential Patio (R-P), Residential Multi-Family Seven (R-5) under title 10 of this code and the abutting public streets and public premises.
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Should Residential Multi-Family **Seven** (R-5) be shown as Residential Multi-Family **Five** (R-5) as shown elsewhere in this document.

**10-1-10A: LAND USE MATRIX**

Zones	C	C H	C R	LI	TI	N R	A	R L	R L M	R M	R P	R 5
Accessory Building	P	P	C	C	P	P	P	P	P	P	P	P
Accessory Use	P	P	C	C	P	P	P	P	P	P	P	P

Please define the first row in the table as Zones.  
Please define "P" and "C" in the table.



To: Planning Commission  
From: Trevor Cahoon, Community Services Director  
Re: Public Hearing and Action on: Ordinance 2023-02- Amendments to Residential Multi-Family (R-7) to Residential Multi-family (R-5), adoption of Strategic Growth Overlay Zone (SG), and Rezone Parcels 13-018-0084 & 13-034-0068 from (R-7) to (R5-SG).

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### **ACTION**

Public Hearing and Action on: Ordinance 2023-02- Amendments to Residential Multi-Family (R-7) to Residential Multi-family (R-5), adoption of Strategic Growth Overlay Zone (SG), and Rezone Parcels 13-018-0084 & 13-034-0068 from (R-7) to (R5-SG).

### **ORDINANCE REVIEW**

In the November Planning Commission meeting the Planning Commission discussed the creation of an overlay zone to help encourage quality construction. Throughout the conversation the Commission discussed what things they would like to regulate and require to allow for increased density. Based upon that discussion Staff has drafted an ordinance for a Strategic Growth Overlay zone and made amendments to all areas of the code that reference to the R7 zone to now say R5.

Planning Commission will now make a recommendation on the Amendments to the R-7 Zone, Creation of the SG Overlay Zone and subsequent Rezones of current properties that have the R-7 Designation but do not have any construction within the property. This rezone does not affect any applications that were received or approved prior to the amendment of this ordinance.

### **BACKGROUND**

The City Council when approving the Final Plat for the South Weber Gateway project, instructed the Cod Committee to consider zoning text amendments to facilitate the development in amending the approved final plat to allow for a townhome development for individual ownership. The items that were brought forward by City Staff as areas that prohibited this type of development included the following:

- The exclusion of provisions surrounding zero lot line developments.
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As the Code Committee reviewed the R-7 zone, it became clear that the ordinance was written with parameters in a similar fashion to a single-family zone thus making it difficult to plan a multi-family development. The reason that these inconsistencies were not noticed in other developments lies in the fact that other projects utilized the Planned Unit Development conditional use section of our code. The

South Weber Gateway was the first project to follow development guidelines strictly under the R-7 zoning code.

As conversation progressed within the Code Committee other areas of concern toward multi-family developments were discussed in relation to the R-7 code and future development. While it is still a desire to limit the use of this zone, the Code Committee discussed various housing types that would be more appealing to future development other than traditional townhome, high-rise, or garden style apartments. Through the conversation the Committee identified the main issue with multi-family housing is the visual appeal and congruence of form with surrounding single-family units already established within the area. To answer these concerns two concepts were discussed, type of housing unit and design standards.

In the case of design standards, the State of Utah has limited the City's Ability to impose design standards upon single-family developments. It does not prohibit a city from imposing design standards on multi-family units. Therefore, if the city wishes to pursue developing a design standard for multi-family housing this is a possibility. Townhomes are the outlier within this context because although there is more than one unit within the building, state code does identify these units as single-family attached developments. Within the state code there is a provision to allow a city to impose a design standard on single family developments if the code allows for a density incentive utilizing an overlay zone. This would mean that if the city were to allow a developer to have more density than a zone would typically allow then we would be able to impose design standards for the development.

With this line of thinking if the city were to seek for particular multi-family or single-family units by offering more density then we would be able to dictate the form of the units themselves. The Code Committee then discussed the possibility of reducing the allowed density within the R-7 zone to 5 units an acre and offering an incentive of 7 units and acre then the city may be able to better control the type of development that is found within the city.

For example, including smaller single-family housing complexes like Cottage Courts. In these types of development, we would offer a higher density for the creation of single-family homes with smaller lots on a shared court. Some items to discuss would be how many units an acre we would want to encourage and the style of development.

Mansion style apartments or condos was another housing concept that was attractive to the Code Committee. Allowing a building to look like a large single-family home, but housing 4-7 units within the home. So that appearance would be single family while providing more variety and density of housing.

While the idea is new and needs more work to determine the viability of the incentive, the prospect of this update with an eye toward the Moderate-Income Housing Updates becomes an idea that can provide a better development and use of land within the future. Further discussion on whether it is viable to reduce the R-7 zone's density further and then offer the now current density as incentive would provide the desired outcome would be important for the Planning Commission to discuss.

At this stage it has become necessary to get the feedback from the Planning Commission on the potential changes the R-7 zone and receive their recommendations on what to include in the draft

ordinance. The following table breaks down the changes proposed by the Code Committee for the Planning Commission review.

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The Planning Commission met on October 13 to discuss the draft ordinance and make their recommendation to City Council. In a 3-0 discussion by the Planning Commissioners present a recommendation was made to approve the drafted changes to the Residential Multi-family zone, and recommend the council begin the process in the creation of overlay zones to address design standards in accordance with Utah State code.

In a discussion item with the City Council on October 25, the Council expressed a desire for the Planning Commission to have a more in-depth discussion on the reduction of density within the R-7 zone to 5 units per acre and the creation of draft ordinance for an overlay zone to grant bonus density of up to 2 units and the implementation of design standards. The Council feels that the exploration of creating an overlay zone now would be pertinent to protect the interests of the city in facilitating development standards for projects in South Weber.

Planning Commission reviewed the ordinance in the December Planning Commission and felt it was ready to make the recommendation.

**ORDINANCE 2023-02**

**AN ORDINANCE OF THE SOUTH WEBER CITY COUNCIL AMENDING RESIDENTIAL MULTI-FAMILY (R-7) TO RESIDENTIAL MULTI-FAMILY (R-5), ADOPTING A STRATEGIC GROWTH OVERLAY ZONE (SG), AND REZONING PARCELS 13-018-0084 & 13-034-0068 FROM (R-7) TO (R5-SG).**

**WHEREAS**, the South Weber City Council wishes to make changes to the Residential Multi-Family Zone to facilitate individual ownership of townhome style developments; and

**WHEREAS**, the South Weber City Council desires to facilitate strategic development in specific areas along the South Weber Drive Corridor; and

**WHEREAS**, the repeal of the Residential Multi-family Seven Zone (R-7) and adoption of the Residential Multi-Family Zone (R-5) and Strategic Growth Overlay Zone (SG) facilitates the need to rezone a portion of parcels 13-018-0084 and 13-034-0068; and

**WHEREAS**, a public hearing was held before the Planning Commission on the 12<sup>th</sup> day of January, 2023; and

**WHEREAS**, after careful review the Planning Commission recommended approval of this zoning text amendment and rezone; and

**WHEREAS**, the City Council, after considering the information available along with the recommendation, finds rezoning of the property described consistent with the City's General Plan and determined that it is in the best interest of the City to approve the change of zoning;

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of South Weber City, State of Utah:

**Section 1. Repealing Article.** Title 10 Chapter 5 Article C Residential Multifamily Seven Zone (R-7) of the South Weber City Code is hereby repealed.

**Section 2. Amendment.** Title 4 Chapter 8 Section 3 Definitions shall be amended to include:

RESIDENTIAL AREA, RESIDENTIAL ZONE:	Any area of the city with a zoning designation of Agricultural (A), Residential Low Density (R-L), Residential Low-Moderate Density (R-LM), Residential Moderate Density (R-M), Residential Patio (R-P), Residential Multi-Family Five (R-5) under title 10 of this code and the abutting public streets and public premises.
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**Section 3. Amendment.** Title 10 Chapter 1 Section 10 Definitions shall be amended to include:



**Zero Lot Line Setback:** The location of a structure on a lot in such a manner that one or more of the structure's sides rests directly on a lot line.

**Dwelling, Townhouse:** A one-family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement, with no more than four (4) units per structure.

**YARD:** A space or lot other than a court, unoccupied and unobstructed from the ground upward.

**YARD, FRONT:** Any yard between the front lot line or street right-of-way boundary line and the front line of the main building; any yard meeting the minimum frontage requirements of the applicable zone may be designated as the front yard. See section 10-1-11, appendix A of this chapter.

**YARD, REAR:** A yard between the rear lot line or neighboring setback line and the rear line of a main building.

**YARD, SIDE:** Any yard between the side lot line or neighboring setback line and the side line of the main building extending from the front yard to the rear yard. See section 10-1-11, appendix A of this chapter.

**SETBACK:** The shortest horizontal distance between the structure or part thereof for single family dwelling or other main building.

**Section 4. Amendment.** Title 10 Chapter 10A Land Use Matrix shall be amended as follows:

	C	CH	CR	LI	TI	NR	A	RL	RL M	R M	RP	R5
Accessory Building	P	P	C	C	P	P	P	P	P	P	P	P
Accessory Use	P	P	C	C	P	P	P	P	P	P	P	P
Agriculture	P	P	C				P	P	P	P	P	P
Agricultural Building	P	P	C				P	P	P	P	P	P
Animal Keeping							P	P	P	P		
*Assisted Living Facility	P								C	C	C	C
Beauty and Barber Services	P	P										
Building, Public	P	P	C	C	P	P	C	C	C	C	C	C
Business Services and Professional Offices	P	P		C	P							
Cannabis Cultivation Facility**					C							
Cannabis Production Establishment**					C							

Commercial Storage				C	P							
*Communications Tower	C	C	C	C	C	C	C	C	C	C	C	C
Construction Services				C	C							
Contractor's Office/Storage Yard				C	C							
Day Care, Commercial	C											
Day Care, Home							C	C	C	C	C	C
Drive-Through Facility	C	C										
Drycleaning Or Laundry Services	C	C		C								
Dwelling, Accessory Unit (Internal)**							P	P	P	P		
Dwelling, Accessory Unit for Owner or Employee				C	P							
Dwelling, Condominium												P
Dwelling, Multi-Family												P
Dwelling, Single-Family							P	P	P	P	P	P
Dwelling, Townhouse												P
Dwelling, Twin Home								C	C	C	C	P
Dwelling, Two-Family								C	C	C	C	P
Dwelling Unit, Manufactured								C	C	C		C
Electronic Communications Facilities and Equipment	C	C	C	C			C					
Excavation or Extraction						C						
Family Food Production or Farm Animals							P	P	P	P		
Farm Industry			C				P					
Farm Stand							P	P	P	P	P	P
Farmer's Market	C	C										
Gasoline Service Stations	C	C										
Golf Course			C			C						
*Group Home	C											

*Group Home, Residential Facility for Elderly Persons	C							C	C	C	C	C
*Group Home, Residential Facility for Persons with a Disability	C							C	C	C	C	C
Gun Range, Indoor	C	C		C								
Home Occupation							P	P	P	P	P	P
Hotel		C										
Kennel, Commercial	C			C	C		C					
Kennel, Sportsman's or Hobby							C	C	C	C		
Manufacturing, Light				C	P							
Medical, Dental and Related Health Services	P	P										
Medical Laboratory	C	C		C	C							
Mobile Business	C	C	C									
Nursery, Garden Center	C	C			P	P	C					
Personal Care Service	P	P										
Public Use		C			P	P	C	C	C	C	C	C
Public Utility				C	P	P	C	C	C	C	C	C
Quasi-Public Use	P	P	C	C	P	P	C	C	C	C	C	C
Recreation Center	C	C	C									
Recycling Collection Center				C	C							
Recycling Processing Facility				C	C							
Retail Sales and Services	P	P										
Retail Sales and Services (Community Commercial)	P	P										
Retail Sales and Services (Regional)	P	P										
Restaurant	P	P										
Self-Service Storage				C	P							
Service Accessory Use							C	C	C	C		
Service Station	C	C										

Sexually Oriented Business					C							
Short Term Rental							C	C	C	C	C	C
Stable, Private							P	P	P	P		
Stable, Public			C				P					
Temporary Building Incidental to Construction	C	C		C	P	P	P	P	P	P		
Temporary Use	C	C										
Transient Lodging												
Vehicle and Equipment Repair (Major)		C		C								
Vehicle and Equipment Repair (Minor)		C		C								
Vehicle and Equipment Sale and Rental		C										
Warehousing				C	P							
Wholesale Trade or Distribution				C								
Wind Energy Systems, Large							P					

**Section 5. Adopting new article** Title 10 Chapter 5 Article 2 Residential Multi-Family Zone (R-5) is hereby adopted as attached in Exhibit 1.

**Section 6. Amendment:** Title 10 Chapter 15 Section 2 General Requirements shall be amended to read as follows:

A. Required: All land approved for development in the city shall be constructed as required by city ordinances and the planning commission or city council. In order to control the potential for adverse conditions resulting from dust, mud and erosion, land remaining on developed sites that is not covered with structures or impervious surfaces such as driveways, walks, courts, landscape features (sculptures, boulders, etc.), shall be landscaped in accordance with this chapter and when applicable irrigated with an appropriate system to maintain plants in a healthy, growing condition, compatible with the general neighborhood appearance.

B. Residential Front, Side, And Back Yard Areas: Landscaping shall be installed in all residential front yards, side yards, and back yards in residential low-moderate (R-LM), residential moderate (R-M), and residential multi-family (R-5) zones. Front and side yard landscaping shall be completed within eighteen (18) months of occupancy. Back yards shall be landscaped within twenty-four (24) months of occupancy. Landscaping of a residential site shall include an irrigation system sufficient to maintain the health and beauty of the

landscaping. Residents who fail to abide by these landscaping regulations are subject to penalties as set forth in section 10-15-8 of this chapter.

**Section 7. Chapter Adopted.** Title 10 Chapter 20 Overlay Zones Established shall be adopted to read as follows:

**10-20-1: OVERLAY ZONES ESTABLISHED:**

The following overlay zones are established for application with base zone:

- A. SG, Strategic Growth overlay zone, Chapter 10-20A.

**10-20-2: USE OF OVERLAY ZONES:**

- A. Nomenclature: An Overlay Zoning classification is appended to a base zoning district so that the lands are classified as Base Zoning District-Overlay District. As an example, property in the Residential Multi-family (R-5) may be designated with Strategic Growth Overlay to form a zone titled (R5-SG).

**Section 8. Article Adopted.** Title 10 Chapter 20 Article A Strategic Growth Overlay Zone shall be adopted as attached Exhibit 2.

**Section 9. Amendment:** The Zoning Ordinance referenced in section 10-1-5 is amended as follows to change the following areas from Residential Multi-family Seven Zone (R-7) to Residential Multi-family Zone with Strategic Growth Overlay Zone (R5-SG).

Property 1: 130180084

Property Owner: Petersen Farms LLC

Property Address: Just West of 530 E South Weber Drive

Total Number of Acres: Approx 3.555

Legal Description: See Exhibit 3

Property 2: 130340068

Property Owner: Poll Heritage Farms Development Management LLC

Property Address: Approx 2301 E South Weber Drive

Total Number of Acres: Approx 8.861

Legal Description: See Exhibit 4

**Section 10. General Repealer.** Ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

**Section 11. Effective Date.** This ordinance shall become effective immediately upon passage and publication as required by law.

**PASSED AND ADOPTED** by the City Council of South Weber, Davis County, on the <sup>th</sup> day of 2023.

\_\_\_\_\_  
**MAYOR: Rod Westbroek**

\_\_\_\_\_  
**ATTEST: City Recorder, Lisa Smith**

Roll call vote is as follows:

Council Member Halverson	FOR	AGAINST
Council Member Alberts	FOR	AGAINST
Council Member Petty	FOR	AGAINST
Council Member Dills	FOR	AGAINST
Council Member Soderquist	FOR	AGAINST

**DRAFT**

CERTIFICATE OF POSTING

I hereby certify that Ordinance 2023-02 was passed and adopted the <sup>st</sup> day of 2023 and that complete copies of the ordinance were posted in the following locations within the City this <sup>st</sup> day of 2023

1. South Weber Elementary, 1285 E. Lester Drive
2. South Weber Family Activity Center, 1181 E. Lester Drive
3. South Weber City Building, 1600 E. South Weber Drive

\_\_\_\_\_  
**Lisa Smith, City Recorder**



**Exhibit 1**  
**Article Q Residential Multifamily Zone (R-5)**

# DRAFT

**10-5Q-1: PURPOSE:**

To provide for areas in appropriate locations where neighborhoods of varying degrees of density may be established, maintained and protected. The regulations of this zone are designed to promote an intensively developed residential environment suitable primarily for adult living. With proper controls that ensure the integrity of the zone, alternate forms of residential living ranging from single-family to twelve-family dwellings and necessary public services.

**10-5Q-2: ARCHITECTURAL SITE PLAN REVIEW:**

All dwellings which are designed to be occupied by three (3) or more families shall receive architectural site plan approval according to the requirements of chapter 12 of this title.

**10-5Q-3: PERMITTED USES:**

Permitted uses shall be in accordance with Chapter 1, Section 10A of this title and shall have meanings as defined in accordance with Chapter 1, Section 10 of this title.

**10-5Q-4: CONDITIONAL USES:**

Conditional uses shall be in accordance with Chapter 1, Section 10A of this title and shall have meanings as defined in accordance with Chapter 1, Section 10 of this title. Conditions for approval shall be made in accordance with the provisions of chapter 7 of this title.

**10-5Q-5: BUILDING LOT REQUIREMENTS**

**A. Density:** There shall be no more than five (5) dwelling units per acre contained within the boundaries of each phase of every development; except when previously completed phases of the same development have sufficiently low density so that the average is still five (5) dwelling units per acre or less.

1. Areas within a given development that contain land use easements purchased by the State of Utah for the purpose of protecting the health and safety of the citizens of Utah and assuring the continued operation of Hill Air Force Base as an active military base, shall not be utilized in density calculations.

**B. Lot Area:**

1. There shall be a minimum of six thousand (6,000) square feet in each lot on which a single-family dwelling is built.

2. There is no minimum lot area for other dwelling types, but the density requirement listed above must be adhered to in all cases.

C. Lot Width:

1. There shall be a minimum width of sixty-five (65) feet in each lot on which a single-family dwelling is built
2. There shall be a minimum width of twenty-four (24) feet in each lot on which a townhouse is built.
3. Minimum lot widths for all other dwelling types shall be recommended by the planning commission and approved by the City Council.

CI. Zero Lot Line:

1. To facilitate separate ownership or leasehold of two-family, twin home, or multi-family dwellings a residential zero lot line setback is permitted upon recommendation of the planning commission and approval by the City Council.
2. In no case shall a zero-lot line setback be allowed adjacent to a property line that is not part of the subdivision

CII. **5Q-6: LOCATION OF STRUCTURES:**

Shared Common Space: Subdivisions with shared common space under single ownership with multi-family, townhouse, or two-family structures shall orient main structure setbacks in relation to the street right-of-way and other main structures on the shared property.

All buildings and structures shall be located as provided in chapter 11 of this title and as follows:

DRAFT

Structures	Front Setback	Side Setback	Rear Setback
Dwelling, Single-Family	20 feet	6 feet minimum for each side, except 12 feet minimum for side fronting on a street	10 feet
Dwelling, Two-Family, Twin Home, Townhouse, Multi-family  (See Appendix A of this chapter)	25 feet	12 feet minimum for each side that is an exterior side wall and 20 feet minimum for side fronting on a street.	15 feet
Other main buildings	30 feet from all front lot lines	20 feet minimum for each side	30 feet
Detached accessory buildings and garages	30 feet from all front lot lines	Same as for dwellings, except when the structure is at least 10 feet behind the main building or 10 feet behind a line extending from the rear corners of the main building to the side lot lines parallel to the rear lot line(s); the side and rear setbacks may be reduced to 1 foot; provided, that the structure must be at least 20 feet from main buildings on adjacent lots; and on corner lots the minimum setback for a side facing a street is 20 feet and minimum rear setback adjacent to a side lot line is 10 feet	

**10-5Q-7: MAXIMUM STRUCTURE HEIGHT:**

Main, accessory and temporary buildings and structures are not to exceed thirty-five feet (35').

**10-5Q-8: OFF STREET PARKING AND LOADING:**

The provisions of chapter 8 of this title shall apply and shall be in full force and effect in this zone, except in the case of a bona fide temporary use.

**10-5Q-9: PERMITTED SIGNS:**

Class 1 signs shall be permitted. For home occupations, Class 2 signs will be allowed in addition to Class 1 signs. For public and institutional uses as allowed by conditional use permit, Class 3 signs will be allowed in addition to Class 1 signs.

**10-5Q-10: SPECIAL CONDITIONS:**

Due to the higher residential densities permitted by this article, the following conditions are required in order to assure a quality livable environment:

A. Minimum And Maximum Area: The minimum area that may be zoned R-5 shall be two (2) acres and the maximum area which may be zoned R-5 in any zone district shall be nine point five (9.5) acres.

B. Open Space: Multi-family dwellings shall provide usable functional open space for outdoor leisure in the following amounts:

1. Eight hundred (800) square feet per unit for one- and two- family dwellings;
2. Six hundred (600) square feet per unit for three- and four- family dwellings; and
3. An additional four hundred (400) square feet per dwelling unit for each additional unit over four (4).

C. Outdoor Storage Space: Three-family, four-family and multi- family dwellings shall provide enclosed outside storage space of at least thirty (30) square feet for each dwelling unit.

#### **10-5Q-11: LANDSCAPING REQUIREMENTS:**

**11-General Landscaping:** At least fifteen percent (15%) of the total site shall be thoroughly landscaped, including an irrigation system to maintain such landscaping. Landscaping shall meet the requirements of chapter 15 of this title. For use of exceptional design and materials, as determined by the Planning Commission, the landscaping may be reduced to ten percent (10%) of the total site.

B. Fencing: A six-foot (6') tall solid screening fence shall be required between the Residential Multi-Family (R-5) Zone and all lower density residential zones.

#### **10-5Q-12: PRIVATE RIGHTS-OF-WAY:**

A. Private rights-of-way shall be permitted in compliance with 11-4-4 and Public Works Standard Drawings - Private Roadway - Street Section A.

B. Sidewalk or pedestrian path must be made available on the front façade of residence and connect to a public right-of-way without having to cross a road.

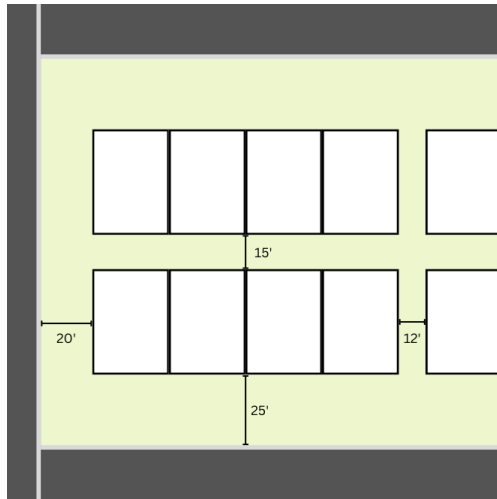
1. The private rights-of-way must be expanded to include sidewalks, where required.

C. The following utilities (where required) shall be located under the pavement portion of the private road: culinary water, sewer, storm drain, land drain, and irrigation.

1. The private rights-of-way must be expanded to include all utilities with the required spacing.

#### **10-5Q-13 APPENDICES**

Appendix A: Dwelling, Two-Family, Twin Home, Townhouse, Multi-family



DRAFT



**Exhibit 2** **DRAFT**  
**Title 10 Chapter 20 Article A Strategic Growth  
Overlay Zone**

#### 10-20A-1: Purpose

To provide for areas in strategic locations where neighborhoods of varying degrees of density may be established, maintained and protected. The regulations of this zone are designed to promote an intensively developed residential environment suitable primarily for adult living providing for more units per acre while maintaining the integrity of South Weber City's character.

#### 10-20A-2: Multi-family Zone

A. Combination With Residential Zone R5: The Strategic Growth Zone shall be approved only as specified in this Article. The Strategic Growth Zone shall be used in combination with the R5 Zone designated herein and provisions of the Strategic Growth Overlay Zone shall become supplementary to the provisions of the R5 Zone. The SG Zone shall not be applied to a land area as an independent zone. Property to which the SG Zone has been applied shall be developed only in conformance with an approved final development plan.

B. Designation On Official Zoning Map: The Strategic Growth Zone designation (SG) shall become a suffix to the R5 Zone with which it is combined and shall be shown on the Official Zoning Map in parenthesis as "R5 (SG)".

C. Minimum Acreage: The minimum land area for a Strategic Growth Zone shall be five (5) acres.

#### 10-20A-3: STANDARDS AND REQUIREMENTS:

A Strategic Growth Zone established under the provisions of this Article shall conform to the following standards:

A. Density Bonus: Residential density within a planned development may exceed that permitted by the R5 Zone up to a maximum of sixty percent (60%), at the discretion of the Planning Commission and subject to concurrence of the City Council. The Planning Commission must find, however, that any increase in density will be compensated by increased amenity and improved design which, in its opinion, are proportional to the density increase which it authorizes.

B. Building Locations: With the following exceptions, dwellings and permitted structures may be located as approved in the final development plans. Locations and arrangements of buildings on the lot should be accomplished in a manner that will best utilize the lot area and create an attractive living environment. The following exceptions shall be considered as minimum requirements as they apply:

1. Garages with entrances facing directly on the street, whether in a front or side yard, shall be set back at least twenty-five feet (25') from the property line or right-of-way.

2. Setbacks shall be maintained along the peripheral property lines of the planned development which shall be equal to that required by the zone on the property immediately adjacent thereto.

3. In those instances where a proposed planned development will front upon one or more existing streets, the setback from the street shall be equal to that required by the most restrictive zone on property immediately adjacent along the same street frontage.

C. Open Space: Not less than ten percent (10%) of the gross area of the planned development shall be retained in permanent open space, parks and playgrounds for the use of the occupants of the planned developments. Land proposed to be devoted to vehicular streets or roads, parking, driveways, required setbacks and slopes greater than twenty five percent (25%) shall not be included in computations of open space, park or playground area.

D. Utilities: All dwelling units shall be served by public sewer and a public water supply. All utilities within the planned development shall be placed underground, including telephone, electrical and television cables. Dwelling units under separate ownership shall have separate utility metering.

E. Maximum Height: The maximum height of buildings within a planned development shall be the same as the permitted by the R5 Zone.

F. Design Standards: Architectural site plan review shall be as outlined in South Weber City Code 10-12-3. Finishes of the exterior of the buildings will be subject to the following conditions:

1. Exterior Finishes. All structures shall use durable materials on exterior finishes, including brick, stone, Hardie board, architectural metal, or engineered wood on all facades. Aluminum or vinyl siding shall not be used as an exterior finish. Use of stone shall be limited to no more than 10% of the total surface.

2. Architectural Variation. Structures shall provide variable articulation in their design. Articulation shall be required on each side of the structures.

3. Garage Dimensions. Individual garages shall be constructed to reasonably accommodate two standard vehicles, measured no less than 22 feet in width and length.

5. Roof Style. Roof design shall not include the use of flat roofs.

## EXHIBIT 3

### Petersen Farms PUD Phase 2

--- Boundary Description ---

*Rezone from R-7 to R-5*

PART OF THE WEST HALF OF SECTION 28 AND THE EAST HALF OF SECTION 29, TOWNSHIP 5 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT, SAID POINT BEING SOUTH 89°29'49" EAST 433.56 FEET AND SOUTH 00°30'11" WEST 2359.76 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 28 (NORTHWEST CORNER BEING NORTH 89°29'49" WEST 2645.28 FEET FROM THE NORTH QUARTER CORNER OF SAID SECTION 28); THENCE S02°26'07"W ALONG THE WESTERLY LINE OF BOWMAN OLD FARM ESTATES, 297.30 FEET; THENCE N87°25'22"W ALONG AN EXISTING FENCE, 99.76 FEET; THENCE N89°52'18"W ALONG AN EXISTING FENCE, 98.28 FEET; THENCE S02°04'13"W ALONG AN EXISTING FENCE, 195.51 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF SOUTH WEBER DRIVE; THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE THE FOLLOWING THREE (3) COURSES: (1) ALONG A CIRCLE TURNING TO THE RIGHT WITH A RADIUS OF 148.70 FEET, AN ARC LENGTH OF 10.60 FEET, A DELTA ANGLE OF 03°59'04", A CHORD BEARING OF N79°24'04"W, AND A CHORD LENGTH OF 69.38 FEET; (2) ALONG A COMPOUND CURVE TURNING TO THE RIGHT WITH A RADIUS OF 1350.9 FEET, AN ARC LENGTH OF 61.24 FEET, A DELTA ANGLE OF 02°00'01", A CHORD BEARING OF N75°54'00"W, AND A CHORD LENGTH OF 61.24 FEET; AND (3) ALONG A COMPOUND CURVE TURNING TO THE RIGHT WITH A RADIUS OF 421.45 FEET, AN ARC LENGTH OF 77.60 FEET, A DELTA ANGLE OF 10°33'00", A CHORD BEARING OF N69°19'31"W, AND A CHORD LENGTH OF 77.49 FEET TO THE EAST LINE OF COUNTRY LANE AT SOUTH WEBER SUBDIVISION; THENCE N35°42'51"E ALONG SAID EAST LINE, 189.41 FEET TO THE NORTH LINE OF COUNTRY LANE AT SOUTH WEBER SUBDIVISION; THENCE N54°17'16"W ALONG SAID NORTH LINE, 226.00 FEET; THENCE S88°53'44"E ALONG AN EXISTING FENCE, 50.68 FEET; THENCE N01°03'14"E ALONG AN EXISTING FENCE, 120.00 FEET TO THE SOUTHERLY LINE OF PETERSEN FARMS PUD PHASE 1; THENCE ALONG SAID SOUTHERLY LINE THE FOLLOWING FOUR (4) COURSES: (1) S88°53'44"E 125.04 FEET; (2) N84°49'07"E 70.42 FEET; (3) N89°53'41"E 142.43 FEET; AND (4) N82°33'24"E 134.96 FEET TO THE POINT OF BEGINNING.

CONTAINING 154,840 SQUARE FEET OR 3.555 ACRES MORE OR LESS.

# EXHIBIT 4

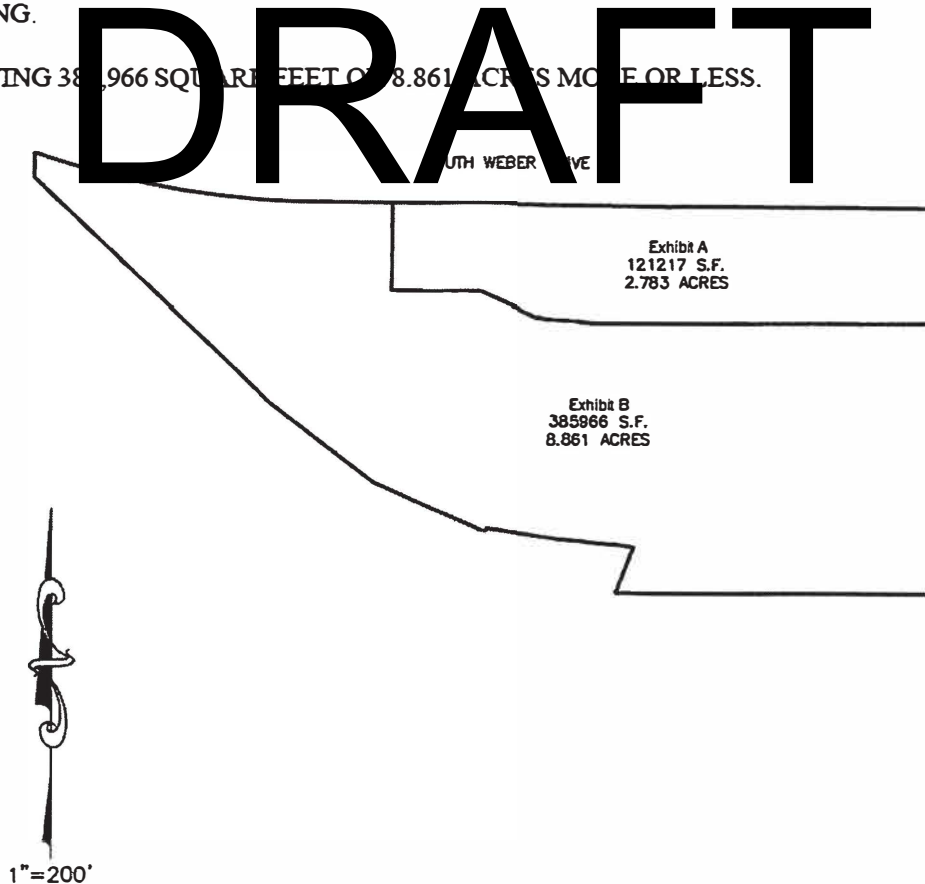
## RESIDENTIAL MULTI-FAMILY SEVEN (R-7)

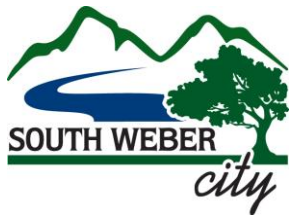
### LEGAL DESCRIPTION

PART OF THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 5 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY. DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT, SAID POINT BEING S89°53'29"E 861.74 FEET FROM THE CENTER OF SAID SECTION 35; THENCE N20°47'47"E 70.49 FEET; THENCE N84°30'00"W 109.15 FEET; THENCE N82°15'00"W 102.46 FEET; THENCE S20°47'47"W 6.00 FEET; THENCE N65°50'02"W 176.78 FEET; THENCE N53°09'46"W 82.36 FEET; THENCE N52°25'32"W 101.91 FEET; THENCE N46°43'51"W 137.58 FEET; THENCE N47°12'09"W 328.07 FEET; THENCE N00°09'16"E 34.93 FEET; THENCE ALONG A NON-TANGENT CURVE TURNING TO THE LEFT WITH A RADIUS OF 1355.32 FEET, AN ARC LENGTH OF 423.56 FEET, A DELTA ANGLE OF 17°54'21", A CHORD BEARING OF S80°31'31"E, AND A CHORD LENGTH OF 421.84 FEET; THENCE S89°28'42"E 98.87 FEET; THENCE S00°31'18"W 123.80 FEET; THENCE S89°12'14"E 127.62 FEET; THENCE S66°36'51"E 93.73 FEET; THENCE S85°20'45"E 79.73 FEET; THENCE S89°53'19"E 486.17 FEET; THENCE S00°06'41"W 380.92 FEET; THENCE N89°53'29"W 456.31 FEET TO THE POINT OF BEGINNING.

CONTAINING 385,966 SQUARE FEET OR 8.861 ACRES MORE OR LESS.





## PLANNING COMMISSION STAFF REPORT

### MEETING DATE

January 12, 2023

### PREPARED BY

Trevor Cahoon  
Community Services Dir

### ITEM TYPE

Recommendation to City  
Council

### ATTACHMENTS

### PRIOR DISCUSSION DATES

### AGENDA ITEM

Ordinance 2023-03: Moderate Income Housing Amendments

### PURPOSE

The Planning Commission needs to review The Moderate-Income Housing (MIH) Plan Amendments necessitated by review of the Department of Workforce Services, and make a decision on amendments that need to be made due to new State legislation.

### BACKGROUND

HB 462 - Utah Housing Affordability Amendments became law on June 1st, 2022. HB 462 creates new and modifies existing requirements for certain municipalities. The Moderate-Income housing plan provisions apply to the same list of cities as SB 34 applied to. Approved during the 2022 General Session, the "Utah Housing Affordability Amendments" modified many of the provisions related to affordable housing that were in the 2010 SB 34 legislation.

Highlights of HB 462

- Clarifies MIH requirement and timing to amend your General Plan
- Requires the inclusion of an implementation plan to bring the MIH element to life
- Amends the list of strategies to use
- Outlines the annual reporting requirement
- Adds priority incentives/restrictions for compliance with the MIH requirement

The inclusion of the moderate-income housing element within a county or municipal General Plan is based on population. If the population of the municipality is at least 5,000 people, the General Plan must include this element. For counties, the total county population must be at least 40,000 people with at least 5,000 people in the unincorporated portion.

In order to ensure that jurisdictions are not only envisioning the increase of moderate-income housing but establishing concrete steps to make it happen, HB 462 amends the code to require the inclusion of an implementation plan within the General Plan.

HB 462 has amended the list of strategies that municipalities and counties can consider and use within the moderate-income housing elements. Many of the previous strategies have been revised and/or combined to provide better clarity while a number of new strategies have been added for consideration. Strategies need actionable implementation steps.



After sending the approved items to the State South Weber City was informed that more detail was needed for the Option B and so this portion has been amended and reads as follows:

### **PRESERVING AND ENCOURAGING MODERATE INCOME HOUSING:**

There are many factors that affect the cost of housing. It is the duty and responsibility of the City to take necessary steps to encourage moderate income housing.

Utah Code Annotated 10-9a-403 (2) (b) (iii) requires the City to choose at least three from a list of 23 ways, A through W, in which it can and will pursue the encouragement of moderate-income housing in the next five years. South Weber chooses the following:

(B) Demonstrate investment in the rehabilitation or expansion of infrastructure that facilitates the construction of moderate-income housing.

Implementation Plan:

Winter 2023 – Adoption of Transportation Master Plan

Spring 2023 – Adoption of Water Capital Facilities Plan

Summer 2023 – Adoption of Sewer Capital Facilities Plan

Summer 2023 – Update Storm Water Capital Facilities Plan

Winter 2024 – Begin Process of updating City's General Plan

Fall 2024 – Adopt Updated General Plan with infrastructure needs.

(E) Create or allow for, and reduce regulations to, internal or detached accessory dwelling units in residential zones.

Implementation Plan:

Fall 2022 - Study options for allowing detached accessory dwelling units.

Winter 2023 - Discuss with City Council and Planning Commission the options that are available to allow detached accessory dwelling units.

Spring 2023 - Begin crafting a draft ordinance for detached accessory dwelling units.

Spring 2023 - Take the draft ordinance through the process.

(I) Amend land use regulations to allow for single occupancy developments.

Implementation Plan:

Complete July 2023 – Study residential zones for the inclusion of single occupancy developments as a permitted use.

Begin Winter 2023 – Determine other guiding materials and code that would be necessary to regulate single occupancy developments for South Weber City.

Begin Spring 2024 – Study locations to designate within the City's general plan for this use.

Complete Spring 2025 – Draft Ordinance for Planning Commission and City Council review and approval.

**ORDINANCE 2023-03**  
**MODERATE INCOME HOUSING UPDATES**

**WHEREAS**, City Council adopted a Moderate-Income Housing Plan as part of the General Plan on 19 November 2019; and

**WHEREAS**, recent state legislation has created new criteria which must be met; and

**WHEREAS**, staff reviewed all the options provided by the state legislature and provided a full list with the most feasible options indicated; and

**WHEREAS**, Planning Commission held a public hearing on the proposed changes on 11 August 2022 and recommended all five staff recommendations presented suggesting Council make the final decision; and

**WHEREAS**, Council discussed possibilities in an open meeting on August 23, 2022 narrowed the choices to (B), (E), (F), and (I) as the most viable for South Weber City; and

**WHEREAS**, Council chose as their final preference strategies (B), (E), and (I); and

**WHEREAS**, the Department of Workforce Services has reviewed South Weber City's submission and has found that strategy B meets measurable and realistic milestones;

**NOW THEREFORE BE IT RESOLVED** by the Council of South Weber City, Davis County, State of Utah, as follows:

**Section 1. Amendment:** South Weber City Moderate-Income Housing Plan: Preserving and Encouraging Moderate Income Housing shall be amended as attached in Exhibit 1.

**Section 2: Repealer Clause:** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

**Section 3. Effective Date.** The City Council of South Weber City, State of Utah, has determined that the public health, safety, and welfare requires that this ordinance take effect immediately. Therefore, this ordinance shall become effective immediately upon passage and publication as required by law.

**PASSED AND ADOPTED** by the City Council of South Weber, Davis County, on the <sup>th</sup> day of 2023.

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**MAYOR: Rod Westbroek**

Roll call vote is as follows:

Council Member Halverson	FOR	AGAINST
Council Member Soderquist	FOR	AGAINST
Council Member Petty	FOR	AGAINST
Council Member Alberts	FOR	AGAINST
Council Member Dills	FOR	AGAINST

**ATTEST:** City Recorder, Lisa Smith

:

**CERTIFICATE OF POSTING**

I hereby certify that Ordinance 2021-xx was passed and adopted the th day of 2021 and that complete copies of the ordinance were posted in the following locations within the City this<sup>th</sup> day of 2021.

1. South Weber Elementary, 1285 E. Lester Drive
2. South Weber Family Activity Center, 1181 E. Lester Drive
3. South Weber City Building, 1600 E. South Weber Drive

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**Lisa Smith, City Recorder**

**DRAFT**

Exhibit 1

# **South Weber City Moderate Income Housing Plan 2019**

**A Part of the South Weber General Plan  
Amended XX.XX.2023**

## **WHAT IS MODERATE INCOME HOUSING**

In accordance with section 10-9a-403 Utah Code Annotated, South Weber is providing reasonable opportunities for a variety of housing including housing which would be considered moderate income housing to meet the needs of people of various income levels living, working, or desiring to live or work in the community, and to allow people with various incomes to benefit from and fully participate in all aspects of neighborhood and community life.

Moderate income housing is defined in the Utah Code as:

Housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income for households of the same size in the county in which the city is located.

According to this definition, any dwelling occupied by an individual or family with income equal to or less than 80% of the median income of the county would qualify as moderate income housing, regardless of the circumstances under which the dwelling is occupied. For instance, it could be that the house was inherited and though valued at something far more than a family of moderate income could afford to purchase; it is nevertheless, occupied by a family whose income is below 80% of the regional median. That house, therefore, is a moderate-income house by definition. The same could be said for homes that have been in the same ownership for a long time and for which the mortgage was established prior to many years of inflation and rising housing costs. The occupants might be able to afford what, if mortgaged today, would be far out of their financial reach.

This type of Moderate-Income Housing is the least quantifiable type. Without extensive surveys and analysis of household incomes and home values, we have no way of

knowing what existing single-family housing units fall into this category. We can, however, deduce how many of this kind of dwelling units there are. According to the U.S. Census Bureau 24% of South Weber Residents fall into the moderate-income category. We know that approximately 5% of existing housing is currently being rented at a rate that would qualify it as moderate-income housing. This tells us that 79% of the current moderate-income households are in dwellings of this type.

### **WHAT IS MODERATE-INCOME IN SOUTH WEBER:**

According to the U.S. Census Bureau, the 2017 median household income for Davis County is \$75,961 (\$95,000 for South Weber City). Eighty percent of that County median income is then \$60,768. Information extrapolated from the Utah Affordable Housing Manual indicates that a household with this income level could afford to purchase a dwelling which has a maximum purchase price of 3.1 times the annual income. In the case of South Weber that translates **to a maximum purchase price of \$188,380**. The same manual indicates that 27% of the monthly income could be spent on rent which would mean a **maximum monthly rent of \$1,367**.

### **PRESERVING AND ENCOURAGING MODERATE INCOME HOUSING:**

There are many factors that affect the cost of housing. It is the duty and responsibility of the City to take necessary steps to encourage moderate income housing.

Utah Code Annotated 10-9a-403 (2) (b) (iii) requires the City to choose at least three from a list of 23 ways, A through W, in which it can and will pursue the encouragement of moderate-income housing in the next five years. South Weber chooses the following:

(B) Demonstrate investment in the rehabilitation or expansion of infrastructure that facilitates the construction of moderate income housing.

Implementation Plan:

Winter 2023 – Adoption of Transportation Master Plan

Spring 2023 – Adoption of Water Capital Facilities Plan

Summer 2023 – Adoption of Sewer Capital Facilities Plan

Summer 2023 – Update Storm Water Capital Facilities Plan

Winter 2024 – Begin Process of updating City's General Plan

Fall 2024 – Adopt Updated General Plan with infrastructure needs.

(E) Create or allow for, and reduce regulations to, internal or detached accessory dwelling units in residential zones.

Implementation Plan:

Fall 2022 - Study options for allowing detached accessory dwelling units.

Winter 2023 - Discuss with City Council and Planning Commission the options that are available to allow detached accessory dwelling units.

Spring 2023 - Begin crafting a draft ordinance for detached accessory dwelling units.

Spring 2023 - Take the draft ordinance through the process.

(I) Amend land use regulations to allow for single occupancy developments.

Implementation Plan:

Complete July 2023 – Study residential zones for the inclusion of single occupancy developments as a permitted use.

Begin Winter 2023 – Determine other guiding materials and code that would be necessary to regulate single occupancy developments for South Weber City.

Begin Spring 2024 – Study locations to designate within the City’s general plan for this use.

Complete Spring 2025 – Draft Ordinance for Planning Commission and City Council review and approval.

## MODERATE-INCOME HOUSING NEEDS:

An analysis the existing housing and household incomes using available information leads to some reasonable conclusions as to need.

Number of Dwelling Units 2017 .....	172
2017 Population .....	731
Persons Per Household 2017 .....	4.2
2017 Median Davis County Annual Household Income .....	\$75,961
2017 Annual Household Moderate Income .....	\$60,768

Once again by extrapolating from information contained in the Utah Affordable Housing Manual, we find that a household with this income level could afford a mortgage of approximately 3.1 times the annual income or could afford to spend 27% of their monthly income on rent.

Maximum Purchase Price .....  $\$60,768 \times 3.1 = \$188,380$

Maximum Monthly Rent .....  $\$60,768/12 = \$5,064 \times .27 = \$1,367$

It appears that rental units are the most attainable type of new moderate-income housing likely to be established in South Weber. There are currently 87 rental units in the City, 60 being in one apartment complex and the rest are basement type apartments. Rental units comprise 5% of the existing housing stock in the City.

As previously stated, 79% of current moderate-income households are residing in existing single-family dwellings; 326 dwelling units. It is reasonable to expect that, as existing residents age in-place (stay in their current homes as they move into higher age categories), there will be a significant number of owner-occupied dwellings that

transition into moderate-income housing. The number of dwellings that will do this is difficult to predict, but if the current percentages persist, there would be an additional 257 additional owner-occupied dwellings move into moderate-income status within the next 20 years for a total of 583 such dwellings.

It is estimated there will be a total of 3,076 dwelling units in South Weber at build-out. If 24% of them are moderate-income, there will be 738 such units. There are currently 87 rental units and 326 owner occupied moderate-income households; a total of 413 units. Of a total build-out need for 738 moderate-income units, 413 are existing and an expected 257 additional units will be owner occupied. This means there will be a need for an additional 68 rental units at build-out in 20 years. That would be an additional 17 rental units needed in the next five years.

### **RECOMMENDATIONS:**

If current trends continue, owner-occupied housing, both single-family and multi-family dwellings, will be the primary type of moderate-income housing. Multi-family rental units will play a smaller part in meeting future demand.

It is a given that South Weber will need to increase its stock of moderate-income housing as the population grows. It seems likely that the bulk of the future demand will be met by existing dwellings as the occupants age in-place. There will be a limited demand for rental type dwellings. It is very realistic to believe the City will be able to accommodate the estimated need of 68 additional rental units.

It is recommended that South Weber continue to support the existing moderate-income housing by finding appropriate locations for the needed rental units.